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LAW DEPARTMENT

NOTIFICATION

The 22nd August, 2023

S.R.O. No.555/2023 — In exercise of the powers conferred by the proviso to Article 309 read with Article-233, 234 and 235 of the Constitution of India, the Governor of Odisha, after consultation with the Odisha Public Service Commission and the High Court of Orissa, hereby makes the following rules further to amend the Odisha Superior Judicial Service and Odisha Judicial Service Rules, 2007, namely: —

1. Short Title and commencement.— (1) These rules may be called the Odisha Superior Judicial Service and Odisha Judicial Service (2nd Amendment) Rules, 2023.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Superior Judicial Service and Odisha Judicial Service Rules, 2007 (hereinafter referred to as the said Rules), for the rule 3, the following rule shall be substituted, namely:—

"3. Constitution of Service.—

(1) The service shall consist of three cadres namely:—

- (a) District Judge;
- (b) Civil Judge (Senior Division); and
- (c) Civil Judge (Junior Division).

(2) The cadre of District Judge belonging to Odisha Superior Judicial Service shall comprise of the (i) District Judges (ii) Selection Grade District Judges (iii) Super Time Scale District Judges and shall include Session Judges, Additional District Judges, Additional Session Judges and all other posts in the erstwhile cadre of the Odisha Superior Judicial Service (Senior Branch) in the Registry of the High Court and on deputation to the Government and also any other post as shall be decided by the High Court from time to time.

(3) The cadre of Civil Judge (Senior Division) belonging to Odisha Judicial Service shall comprise of —

(i) Civil Judge (Senior Division) - (Entry Grade);

(ii) Civil Judge (Senior Division) - (Grade-II);

(iii) Civil Judge (Senior Division) - (Grade-I); and

shall include Chief Judicial Magistrates, Additional Chief Judicial Magistrates, Civil Judges (Senior Division), Additional Civil Judges (Senior Division), Registrar of Civil Courts and all other posts in the erstwhile cadre of Odisha Superior Judicial Service (Junior Branch) and in the cadre of Odisha Judicial Service Class-I (Senior) in the Registry of High Court and on deputation to the Government and shall also include any other posts as shall be decided by the High Court from time to time.

(4) The cadre of Civil Judge (Junior Division) belonging to Odisha Judicial Service shall comprise of :—

(i) Civil Judge (Junior Division) - (Entry Grade);

(ii) Civil Judge (Junior Division) - (Grade-II);

(iii) Civil Judge (Junior Division) - (Grade-I); and

shall include Civil Judges (Junior Division), Additional Civil Judges (Junior Division), Sub-Divisional Judicial Magistrates, Judicial Magistrates and all other posts in the erstwhile cadres of Odisha Judicial Service, Class-I (Junior) and Class II and shall include all officers in the Registry of High Court and on deputation to the Government and shall also include any other posts as shall be decided by the High Court from time to time.

Explanation - For the purpose of sub-rule (3) and (4), the entry grade refers to the normal scales of pay and Grade-II and Grade-I refer to the Assured Career progression scales of pay at the First stage and second stage, respectively, as prescribed in the Resolution No-11636/L., dated the 26th October, 2022 of the Law Department of the Government and as may be modified from time to time.

(5) (a) The grant of First Assured Career Progression (ACP) to the Civil Judge (Junior Division) shall be based on the relaxed norm limited to ascertaining whether there is anything positively adverse such as consistently poor or unsatisfactory performance or adverse report of serious nature leading to the inference that the officer is unfit to have the benefit of ACP. However, the Committee constituted by the Chief Justice of the High Court for the purpose shall devise the norms for grant of ACP-I and ACP-II scales of pay to the Civil Judge (Senior Division) and ACP-II scale of pay to the Civil Judge (Junior Division).

(b) If for any reason, delay in grant of ACP goes beyond one year, one additional increment for every year's delay shall be granted subject to adjustment while drawing the arrears on grant of ACP.

(c) In order to avoid delay, the process of grant of ACP should be initiated 3 months in advance from the date on which the judicial officers will be completing 5/10 years and the financial benefits should be paid to the judicial officer within a period of 6 months after the judicial officer steps into the 6th/ 11th year of Service."

3. In the said rules, in rule 4,—

(a) for the words "Twenty-five per centum", the words "Thirty-five per centum", shall be substituted ; and

(b) after the rule 4, the following "Note" shall be inserted ; namely:—

“Note: The increase of percentage of the Selection Grade District Judges for the purpose of this Rule shall be effective from 1st January, 2020.”

4. In the said Rules, in rule 5,—

(a) for the words "Ten per centum", the words "Fifteen per centum", shall be substituted; and

(b) before the "*Explanation*" thereto, the following "Note" shall be inserted, namely:—

“Note: The increase of percentage of the Super Time Scale District Judges for the purpose of this Rule shall be effective from 1st January, 2020”; and

(c) for the Explanation thereto, the following *Explanation* shall be substituted, namely:—

"Explanation- For the purpose of the rules 4 and 5, the expressions of 'Selection Grade Pay' and 'Super Time Scale of Pay' shall, respectively, mean the scale of pay as prescribed in the First Schedule of the Resolution No-11636/L., dated the 26th October, 2022 of the Law Department of the Government and as may be modified from time to time".

5. In the said Rules, after the rule 5, the followings rule shall be inserted, namely:—

"5-A. Recording of Annual CCR of Judicial Officers— The CCRs of the Judicial Officers of all the cadres of the State shall be recorded in the manner and format as specified in Form (S)-33 of the G.R & C.O (Civil), Volume-II. The date line specified therein shall be strictly adhered to by all concerned, as far as practicable. In case of non-recording of the CCRs of the Officers within the prescribed date line either by the 1st reporting authority or the 2nd Reporting Authority for any reason whatsoever, the CCRs of the concerned officers shall be placed before the Chief Justice who shall pass appropriate orders for consideration of the CCRs of such Officers directly by the Full Court or Standing Committee as the case may be. The CCRs shall be submitted by the Judicial Officers online and observations shall be recorded by the Reporting Authority, Full Court or Standing Committee online as and when such facility will be made available."

6. In the said Rules, in rule 6,—

(i) in sub-rule (2), for the words "Senior Civil Judges", the words "Civil Judge (Senior Division)" shall be substituted ; and

(ii) in sub-rule (3), for the words "Senior Civil Judges", the words "Civil Judge (Senior Division)" shall be substituted.

7. In the said Rules, in rule 13, for the words "Senior Civil Judges" occurring in the 1st and 2nd provisos, the words "Civil Judge (Senior Division)", shall be substituted.

8. In the said rules, in rule 14, for the words "Senior Civil Judge" and "Civil Judges", the words "Civil Judge (Senior Division)" and "Civil Judge (Junior Division)" shall be substituted respectively.

9. In the said rules, in rule 15, for the words "Civil Judges", the words "Civil Judge (Junior Division)", shall be substituted.

10. In the said rules, in rule 16, in sub-rule (1), for the words "Civil Judges", the words "Civil Judge (Junior Division)", shall be substituted.

11. In the said rules, in rule 17, in sub-rule (1), for the words "Civil Judges", the words "Civil Judge (Junior Division)", shall be substituted.

12. In the said rules, in rule 18, for the words "Civil Judge", the words "Civil Judge (Junior Division)", shall be substituted.

13. In the said Rules, in rule 29, for the words "Civil Judges", the words "Civil Judge (Junior Division)" shall be substituted.

14. In the said Rules, for the words "Civil Judge" occurring in sub-rule (1) and (2) of the rule 30, the words "Civil Judge (Junior Division)", shall be substituted.

15. In the said rules, in rule 31, for the words "Civil Judge", the words "Civil Judge (Junior Division)" shall be substituted.

16. In the said Rules, in Appendix- D, for the words "Recruitment of Civil Judges", the words "Recruitment of Civil Judge (Junior Division)" shall be substituted.

17. In the said Rules, in Appendix- E,

(i) for the words "Civil Judges" and "Civil Judge", the words "Civil Judge (Junior Division)" shall be substituted ;

(ii) in Para-4(iv), for the words "Training in Civil Judge's Court and Senior Civil Judge's Court", the words "Training in the Court of Civil Judge (Junior Division) and the Court of Civil Judge (Senior Division)" shall be substituted respectively.

18. In the said Rules, in Appendix- F, for the words "Civil Judges", the words "Civil Judge (Junior Division)" shall be substituted.

[No.14242—VJ-04/2023/L.]

By Order of the Governor

DHANESWAR MALLICK

Principal Secretary to Government (I/c)